

Atty Dkt. No.: 10991398-1
USSN: 09/919,643

REMARKS

In view of the following remarks, the Examiner is requested to allow Claims 1-28, the only claims pending and under examination in this application.

Claims 1, 12, 17 and 21 have been amended to clarify the claim language. Claim 22 has been amended to specify that loading is by "front" loading. Support for this amendment may be found in Claim 1 and throughout the specification. As no new matter has been added by way of these amendments, entry thereof by the Examiner is respectfully requested.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 1-28 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The Office contends that the term "sufficient" is not clearly defined.

The Applicants respectfully disagree. However, in order to expedite prosecution and advance the case to issuance the Applicants have amended Claims 1, 12 and 17 thereby rendering this rejection moot. This amendment should not be construed as acquiescence to any position of the Office, however, in light of the amendment the Applicants respectfully request that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1-28 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Deeg *et al.* (USPN 5,338,688).

According to the MPEP, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single

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prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. See MPEP 2131.

An element of rejected Claims 1, 12, 17, 22 and the claims dependent therefrom is front loading a fluid into an inkjet head.

Nowhere does Deeg teach front loading a fluid into an inkjet head. Deeg does not teach front loading a fluid into an inkjet head because Deeg teaches that the analytical liquid is first loaded into a disposable jet unit (i.e., cartridge) which is then associated with the inkjet head for delivery of the analytical fluid from the inkjet cartridge into the jet chamber prior to ejection. See column 2, lines 22 to 25. See also column 6, lines 58 to 68, cited by the Office in support of this rejection, wherein is stated:

"This printing head is accommodated together with an ink reservoir in a removable cartridge." (emphasis added)

Accordingly, Deeg fails to anticipate Claims 1, 12, 17, 22 and the claims dependent therefrom because it fails to teach every element of the rejected claims, namely, front loading a fluid into an inkjet head.

Therefore, in light of the above, the Applicants respectfully request that the 35 U.S.C. § 102 rejection of Claims 1-28 be withdrawn.

Claims 1, 2 and 9 have been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Caren *et al.* (USPN 6,221,653).

As stated above, an element of the rejected claims is front loading a fluid into an inkjet head. The Office has not demonstrated where Caren '653 teaches front loading a fluid sample into an inkjet head. Accordingly, the Applicants respectfully request that the 35 U.S.C. § 102(a) rejection of Claims 1, 2 and 9 be withdrawn.

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Claims 1, 2, 9 and 11 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Caren *et al.* (USPN 6,797,469).

As stated above, an element of the rejected claims is front loading a fluid into an inkjet head. The Office has not demonstrated where Caren '469 teaches front loading a fluid sample into an inkjet head. Accordingly, the Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claims 1, 2, 9 and 11 be withdrawn.

Double Patenting

Claims 1, 2, 9 and 11 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 19-21 and 23 of U.S. Patent No. 6,797,469.

As stated above, an element of the rejected claims is front loading a fluid into an inkjet head. The Office has not demonstrated where Caren '469 teaches front loading a fluid sample into an inkjet head. Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection of Claims 1, 2, 9 and 11 be withdrawn.

Claims 1, 2 and 9 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3, 5-7, 9, 10, 12 and 23 of U.S. Patent No. 6,221,653.

As stated above, an element of the rejected claims is front loading a fluid into an inkjet head. The Office has not demonstrated where Caren '653 teaches front loading a fluid sample into an inkjet head. Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection of Claims 1, 2 and 9 be withdrawn.

Claims 1, 2, 9 and 11 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1,

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5, 9, 11-13, 15 and 18 of U.S. Patent No. 6,656,740 and claims 1-6 of its related U.S. Patent No. 6,872,359.

As stated above, an element of the rejected claims is front loading a fluid into an inkjet head. The Office has not demonstrated where Caren '740 or '359 teach front loading a fluid sample into an inkjet head. Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection of Claims 1, 2, 9 and 11 be withdrawn.

Claims 1, 2, 6, 7 and 8 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-5, 7 and 11-19 of U.S. Patent No. 6,323,043 and claims 1, 2, 4 and 6 of its related U.S. Patent No. 6,884,580.

As stated above, an element of the rejected claims is front loading a fluid into an inkjet head. The Office has not demonstrated where Caren '043 and '580 teach front loading a fluid sample into an inkjet head. Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection of Claims 1, 2, 6, 7 and 8 be withdrawn.

Claims 1-4 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3, 8, 12, 14, 15 and 18 of U.S. Patent No. 6,242,266 and claims 1-4 and 8-10 of its divisional U.S. Patent No. 6,372,483.

As stated above, an element of the rejected claims is front loading a fluid into an inkjet head. The Office has not demonstrated where Schleifer '266 and '483 teach front loading a fluid sample into an inkjet head. Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection of Claims 1-4 be withdrawn.

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Claims 1 and 6 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 16-18, 21, 23 and 24 of copending U.S. Patent Application No. 10/932,886.

As stated above, an element of the rejected claims is front loading a fluid into an inkjet head. The Office has not demonstrated where the Caren '886 application teaches front loading a fluid sample into an inkjet head. Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection of Claims 1 and 6 be withdrawn.

Claims 1, 3, 4, 6, 7, 8 and 11 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 22-31 of copending U.S. Patent Application No. 10/933,122.

As stated above, an element of the rejected claims is front loading a fluid into an inkjet head. The Office has not demonstrated where the Caren '122 application teaches front loading a fluid sample into an inkjet head. Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection of Claims 1, 3, 4, 6, 7, 8 and 11 be withdrawn.

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CONCLUSION

The Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Bret Field at (650) 833-7770.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10991398-1.

Respectfully submitted,

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